

SJC Opinion Favors Saugus

In a case of interest to municipalities, the Massachusetts Supreme Judicial Court (SJC) in [Denver Street LLC vs. Town of Saugus - SJC 10927](#) overturned a lower court ruling by concluding that charges imposed on a developer to mitigate storm water inflow and infiltration is a fee and not a tax, and is therefore allowed to stand. The SJC applied the facts of the case to the well-established standard for a fee set out in [Emerson College v. Boston, 462 NE 2d 1098 \(1984\)](#). The court ruled that the charge was sufficiently particularized to the developer, that the developer could have chosen to avoid the fee and that the fee amount was not excessive, but reasonably reflective of costs.